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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,428	07/02/2003	Andreas Girgensohn	FXPL-01065US0	6562
23910	7590	09/11/2007		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER ZHAO, DAQUAN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/612,428

Applicant(s)

GIRGENSOHN ET AL.

Examiner

Daquan Zhao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 19 and 20 contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 19 and 20 recite " ... automatically dividing a video file into **full motion** video segments...". There is no support in the description for the "**full motion** video segments"

Claims 2-18 are also affected.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-4, 6-8, 10-11, 13, 14, 15, 18 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jun (US 6,931,594 B1) and further in view of Bhagavath et al (US 6,829,781 B1).

In regards to claim 1, Jun teaches a method for automatically generating a multi-level video summary (e.g. abstract, and column 2, lines 56-67, the word “automatically” does not exclude the user input because the operation of the system is automatic after the user input), comprising:

Automatically dividing a video file into video segments using segmenting criteria (e.g. column 3, line 61- column 4, line 24 and column 4, lines 41-47, the minute range corresponds to the segmenting criteria);

Automatically generating at least two summary levels, wherein each of the summary levels has a different level of detail for related video segments and each of the summary levels is a linear video includes at least one of the video segments from the video file, the video segments in each of the summary levels selected using selection criteria (e.g. figure 3, shows K level and K+1 level, wherein each level can have different minute range corresponds to the different detail, and the minute range video is continue shown in figure 3 corresponds to “linear video”); and

Automatically generating navigational links between the video segments in the summary levels, the navigational links connecting the video segments containing related material (e.g. e.g. column 3, lines 18-60, the starting frame and the ending frame corresponds to the navigational links connecting the video segments. Bhagavath et al

also teach links between video summary levels, see column 4, lines 12-21 of Bhagavath et al).

However, Jun fails to teach the full motion video. Bhagavath et al teach the full motion video (e.g. column 2, lines 1-11). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Bhagavath et al into the teach of Jun to increase the speed of video browsing since Bhagavath et al suggest, in column 2, lines 10-20, delimiting the beginning and ending of segments in both programming and summary channels.

Claims 19 and 20 are rejected for the same reasons as discussed in claim 1 above.

In regards to claim 2, Jun teaches determining the length of each summary level (minutes range).

In regards to claim 3, Jun teaches grouping video segments in a summary level into a video composite, the video composite including at least two video segments in the summary level (e.g. the start and end frames).

In regards to claim 4, Jun teaches providing a user interface whereby a user can view the multi-level video summary, the user interface allowing the user to navigate between summary levels using the navigational links (e.g. figure 3, user can navigate each level by viewing the start and frames).

In regards to claim 6, Jun teaches determining the number of summary levels to generate (automatically create  $K+1$  number of level after user input).

For claim 7, Bhagavath et al teach determining which navigational links to generate (e.g. column 4, lines 12-21).

Regarding claim 8, Bhagavath et al teach providing at least one algorithm to be used in generating a multi-level video summary (e.g. column 5, lines 3-30).

Regarding claim 10, Jun teach providing the ability for an author to refine an automatically-generated multi-level video summary (user adds more levels to the summary).

Regarding claim 11, Jun teach including the first and last video segment from the video file in the summary levels (user include the first and the last frame of the video file).

For claims 13 and 15, Bhagavath et al teach each navigational link includes a source anchor in one summary level, a destination anchor in another summary level, and at least one return behavior (e.g. column 4, lines 26-35, figure 5, summary segment 505 is considered to be the source anchor, and program segment 515 is considered to be the destination anchor in a different level, return to the next summary segment 506 automatically when the program segment 515 is completed).

For claim 14, Bhagavath et al teach each navigational link further includes a label (e.g. column 3, lines 10-20, summary-segment linkage marks).

For claim 18, Bhagavath et al teach the return behavior includes a return position selected from the group consisting of the beginning of a video segment, the point in a video segment at which a navigational link is followed, and the end of a video segment

(e.g. column 4, lines 26-37, returning to the beginning of the next summary segment 506 after the operation of the previous segment 505 is done).

3. Claims 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jun (US 6,931,594 B1) and Bhagavath et al (US 6,829,781 B1) as applied to claims 1-4, 6-8, 10-11, 13, 14, 15, 18 19 and 20 above and further in view of Li et al (US 7,035,435 B2).

See the teaching of Jun above.

For claim 9, Jun and Bhagavath et al fail to teach the selection criteria includes criteria selected from the group consisting of goodness, smoothness of camera operation, amount of camera motion, location in the video, and lighting level. Li et al teach the selection criteria includes criteria selected from the group consisting of goodness (e.g. figure 2, zooming in and zooming out), smoothness of camera operation (e.g. figure 2, Right panning, left panning, up tilting and down tilting), amount of camera motion (e.g. column 4, lines 60-67, the activity level of the shot). However, Li et al fail to teach location in the video, and lighting level. The examiner takes official notice of the location in the video and the lighting level since they are well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the location in the video and the lighting level as the criteria selection into the teaching of Jun, Bhagavath et al and Li et al when summarizing the video to easily identify a frame that represents the characteristic of the segment the most.

For claim 16, Li et al teach the video segments in each summary level are in chronological order as the video segments appear in the video file (e.g. figure 1a, the video sequence 20 is summarized by hierarchical, scene-shot-frame structure shown in figure 1a, wherein, scenes are number in a chronological order as 1, 2, 3...N, and the shorts are number in a chronological order as 1,2,3...M).

For claim 17, Li et al teach each summary level includes a different number of video segments (e.g. figure 1a, the number of shorts are more than the number of scenes when going down the tree because each scene links to m number of shots).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jun (US 6,931,594) and Bhagavath et al (US 6,829,781 B1) as applied to claims 1-4, 6-8, 10-11, 13, 14, 15, 18 19 and 20 above.

See the teaching of Jun and Bhagavath et al above.

For claim 12, Jun and Bhagavath fail to specify ensuring that the selection of video segments includes video segments distributed throughout the video file. The examiner takes official notice for ensuring that the selection of video segments includes video segments distributed throughout the video file since it is well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate ensuring that the selection of video segments includes video segments distributed throughout the video file into the teaching of Jun and Bhagavath et al to present many interesting part of the video to the user and increase the probability of user attempting to keep watching the video.



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Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

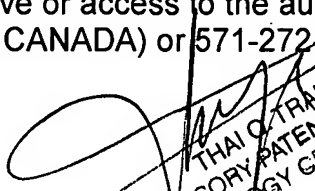
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing data of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing data of this action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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